

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DIANE MURPHY,

Plaintiff,

v.

Case No. 1:05-cv-443-W

ADVANCE AMERICA CASH
ADVANCE CENTERS OF ALABAMA,

JURY DEMANDED

Defendant.

**MEMORANDUM IN SUPPORT OF DEFENDANT'S UNOPPOSED
MOTION TO CONTINUE PRETRIAL HEARING**

Federal Rule of Civil Procedure 16 permits modification of deadlines set in a scheduling order upon a showing of good cause. In support of its unopposed motion to continue the pretrial hearing and the deadline for filing the parties' pretrial order, Defendant, Advance America Case Advance Centers of Alabama, states:

1. Defendant's Motion for Summary Judgment is pending before the Court.
2. Further, Defendant's counsel, James Mulroy, has a previously scheduled surgery the same week of the scheduled pretrial hearing. Thus, Mr. Mulroy will be unable to continue the pretrial preparations or to travel during that week.

For the foregoing reasons, Defendant respectfully requests that the Court continue the pretrial hearing until November 3, 2006 and requests a corresponding extension of the deadline for the pretrial order.

Respectfully submitted,

By: s/ James R. Mulroy, II
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2006, I electronically filed the foregoing **MEMORANDUM IN SUPPORT OF DEFENDANT'S UNOPPOSED MOTION TO CONTINUE PRETRIAL HEARING** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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